

WEDNESDAY, February 8th, 1860.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Potter, chairman of the committee on the Judiciary, to whom was referred a House bill regulating the times of holding justice's courts in the counties composing the twelfth judicial district, reported the same with amendments, and recommend the adoption of the amendments and the passage of the bill.

1st. In section 2, line first, strike out the word "three" and insert "five."

2nd. In same section line 5, after the words "days" strike out the words "less than thirty" and insert "that the justice trying the cause may direct."

Mr. Potter, chairman of the committee on the Judiciary, to whom was referred a House bill amending the several acts regulating proceedings in the district court, reported the same to the Senate with an amendment, and recommend the adoption of the amendment and the passage of the bill.

Strike out section 2nd of the bill.

Mr. Guinn, chairman of the committee on Claims and Accounts, made the following report :

The committee on Claims and Accounts, to whom was referred a House bill for the relief of John Ricord, have examined it, and a majority of the committee have instructed me to return the same to the Senate and ask that it do not pass. The majority have instructed me to say that this session of the legislature, John Ricord had a bill passed donating to him 1-3 league of land, and they thought that was in full of all past claims, which he held against the State or Republic of Texas. They have many reasons why this claim should not pass, which they think it unnecessary to encumber the journals with. They think the old man ought to be satisfied with what the State had done for him and feel confident that he has been fully compensated for all services.

A message was received that the House had passed the following bills.

A bill to amend the first section of an act to amend the caption, and the first and sixteenth sections of an act to incorporate the Texas Western Railway Company, approved February 16th, 1852.

A bill to legalize the 1st election of county officers of Montague county.

A bill to prohibit the sale of intoxicating liquors in the neighborhood of Soule University.

A bill to incorporate the Southern Cotton Press and Manufacturing Company.

A bill for the relief of the heirs of William H. Settle.

A bill to incorporate the Dallas Bridge Company.

A bill for the relief of Samuel Everett.

A bill to incorporate the Hydraulic Company, of San Antonio.

A bill in relation to the location, issuing and patenting of the lands granted by the State, to the Galveston and Brazos Navigation Company.

And the House concurred in the Senate's amendments to the House bill to amend the act to incorporate city of San Antonio, approved July 17th, 1856.

Mr. Townes, from the committee on Education, to whom was referred a House bill to incorporate the Greenville Institute, reported the same to the Senate and recommended its passage.

Mr. Townes, from the committee on Education, to whom was referred the House bill, setting aside and appropriating land for the benefit of the Lunatic Asylum, the Deaf and Dumb and the Blind Asylum, and providing for the location and sale of the same, reported back the bill and recommended its passage.

Mr. Shepard, chairman of the committee on State Affairs, to whom was referred a joint resolution providing for the pay of members of congress in a certain contingency, reported the same back to the Senate and recommended the indefinite postponement of the same.

Mr. Shepard, chairman of the committee on State Affairs, to whom was referred a joint resolution respecting the public property purchased for the use of the boundary survey, reported the same to the Senate for its consideration.

Mr. Dickinson, from the committee on Enrolled Bills, reported the following bills correctly enrolled, duly signed, and on yesterday presented to the Governor :

A bill to incorporate the Texas Medical College.

A bill for the relief of the heirs of Wm. Beeks.

A bill legalizing locations made on Kemper's island, Victoria county.

A bill for the relief of widow and heirs of Lorenzo DeZavala.

A bill to authorize the corporation of Laredo, to dispose of certain lands to aid in the erecting a common school house in said town.

A bill to amend the act to incorporate the Limestone School Association, approved February 13th, 1858.

A bill to amend an act to incorporate the city of Brownsville, approved February 7th, 1853.

A bill for the relief of Brigham White. .

A bill to authorize the formation of county and town agricultural societies.

A bill to relinquish the State tax for the years 1859 and '60, to the county of Orange, and county of Navarro, for the purpose therein mentioned.

A bill to authorize Adam Sullivan to construct a bridge across the Sabine river.

A bill to incorporate a Literary Institute at Gilmer, in Upshur county.

A bill to incorporate the Masonic and Odd Fellows Male and Female Academy.

A bill for the relief of the Buffalo Bayou and Colorado Railway Company.

A bill for the relief of the heirs of Shelby Corzine.

A bill to incorporate the Sabine and Neches River Insurance Company.

A bill to incorporate the Matagorda Railway Company.

A bill for the relief of Jacob S. Horn and James Y. Pistole.

Joint resolution, to permit the withdrawal of certificate No. 127, issued by board of land commissioners of Houston county to Finess Robertson.

A bill to restore land sold for taxes and purchased by the State, to former owners on certain conditions.

An act creating the county of Marion, and providing for the holding of the district court therein.

Mr. Hyde introduced a bill for the relief of T. F. White. Read 1st time.

On motion of M. Hyde, rule suspended, bill read 2nd time, and ordered to be engrossed. Rule further suspended, bill read 3rd time and passed.

Mr. Duggan introduced a bill to increase the salary of the warrant clerk in the Comptroller's office. Read 1st time, rule suspended, read 2nd time and referred to the committee on Finance.

A message was received that the House had passed the following bills.

An act supplementary to an act to incorporate the Houston, Trinity and Tyler Railroad Company, and the act amendatory thereof, passed at the present session of the legislature.

A bill supplementary to and amendatory of an act entitled an act to incorporate the city of Corpus Christi.

Mr. Erath introduced a bill attaching certain unorganized counties to organized counties therein named, for judicial purposes until organized. Read 1st time, rule suspended, read 2nd time and laid on the table.

A message was received that the House had passed the following bills:

A bill to incorporate Franklin College, with an amendment.

A bill to incorporate the Mystic Club at Woodville, Tyler county.

A bill for the relief of the heirs of Thomas Blanton.

Joint resolution, authorizing the Governor to appoint three competent persons to examine the State Penitentiary.

A bill for the relief of the heirs of James Boulton.

A bill to incorporate the Dialectic Society of the McKenzie Institute.

And rejected the Senate's bill to amend the 34th section of the act of May 12th, 1846, to regulate proceedings in the district court.

#### ORDERS OF THE DAY.

A bill to ascertain and adjudicate certain legal claims for land against the State, situated between the Nueces and Rio Grande rivers. Read 3rd time and passed.

A bill concerning Factors and Commission Merchants. Read 3rd time and passed.

A bill in relation to mineral lands and salt licks and salt springs, held in reservation by the State. Read 2nd time.

Mr. Paschal moved to add islands to the provisions of the bill. Lost.

Mr. Shepard moved to except gold and silver mines.

Mr. Herbert moved as an amendment, to except coal mines.

Mr. Guinn moved to except copper mines, accepted by Mr. Herbert.

Mr. Paschal offered the following resolution as a substitute:

*Resolved*, That the Judiciary committee be instructed to report a bill to-morrow morning providing for the confirmation of titles to lands embracing mines, salt lakes, salt springs and salt licks, and also to report a bill providing for the working of such mines, salt lakes, salt licks and salt springs.

Mr. Walker offered the following as an amendment: Provided that all individuals as companies working such mines making salt, &c., from any of said reservations, (as heretofore held by the State) shall pay into the Treasury of the State to be collected as a portion of the revenue of the State, five per cent. of all

the proceeds arising from the working of said mines, salt springs &c., as aforesaid.

Mr. Paschal moved the reference of the whole subject matter to the Judiciary committee. Lost.

The question was then taken on Mr. Herbert's amendment. Lost.

Mr. Erath then offered a substitute for Mr. Shepard's amendment: "The State reserves the right to charge any amount on the products of salt licks or mines of any kind as the legislature may see proper to provide." Carried.

The amendment was then adopted.

Mr. Guinn offered the following amendment:

Provided this act shall not be so construed as to effect any locations previously made but they shall stand as if this act had not passed.

Mr. Shepard moved to lay the amendment on the table. Lost.

The question being on the adoption of Mr. Guinn's amendment was taken, and the amendment lost by the following vote:

YEAS—Messrs. Fall, Guinn, Harman, Hart, Herbert, Rains, Rainey, Sims and Townes—10.

NAYS—Messrs. Blanch, Britton, Chambers, Dickinson, Duggan, Erath, Gentry, Grimes, Hyde, Lott, Parsons, Paschal, Pitts Potter, Scarborough, Schleicher, Sims, Townes and Whaley—20.

The bill was then carried to its engrossment by the following vote:

YEAS—Messrs. Chambers, Dickinson, Duggan, Erath, Fall, Gentry, Grimes, Hyde, Lott, Parsons, Paschal, Potter, Scarborough, Schleicher, Shepard, Stockdale and Walker—17.

NAYS—Messrs. Blanch, Britton, Guinn, Harman, Hart, Herbert, Pitts, Rains, Rainey, Sims, Townes and Whaley—12.

Mr. Shepard moved to suspend the rule. Lost.

The report of the Judiciary committee, on a bill supplementary to an act pertaining to the estates of deceased persons, recommending its rejection was adopted.

A bill to encourage the construction of canals in Texas. Read 2nd time and ordered to be engrossed.

A bill to amend art. 791a. of the Penal Code, on report of Judiciary committee, recommending its rejection, on motion of Mr. Potter, laid on the table.

A bill regulating fees of the General Land Office, on report of committee on Public Lands, recommending its rejection, was read.

Mr. Potter moved to lay the report on the table. Carried by the following vote :

YEAS—Messrs. Blanch, Britton, Chambers, Duggan, Erath, Fall, Grimes, Guinn, Herbert, Paschal, Potter, Ruins, Ruiney, Scarborough, Shepard, Stockdale, Townes and Whaley—18.

NAYS—Messrs. Hart, Hyde, Parsons, Pitts, Schleicher, Sims and Walker—7.

Mr. Blanch offered the following amendment :

Insert after the word patent in 5th line, " issued on field notes filed in the General Land Office after the passage of this act."

Mr. Hart offered the following to the amendment : " Provided this act shall only effect surveys hereafter made."

Mr. Potter moved to lay amendment and amendment to amendment on the table, withdrawn, when Mr. Throckmorton offered the following as a substitute for the amendments :

\$2 for patents on tracts of 640 acres or less.

\$3 for patents on tracts of over 640 acres and less than 1280 acres.

\$5 for patents on tracts over 1280 less than 2-3 league.

\$10 for patents on tracts over 2-3 league up to 1 league.

And \$5 for every additional 5 labors over 1 league. Adopted.

Mr. Pitts offered the following amendment : For surveys of 160 acres or less "one dollar." Lost.

Mr. Stockdale moved to amend by striking out \$10 and inserting \$7 50, withdrawn.

The substitute of Mr. Throckmorton was then adopted.

Mr. Parsons moved to amend by striking out all after " addition " in section 2, 8th line.

Mr. Throckmorton offered the following as a substitute for Mr. Parson's amendment : " And the commissioner may in his discretion charge such fees, not to exceed 15 cents per hundred words for statements, and such other charge for examinations and sketches as he may think proper. Adopted by the following vote :

YEAS—Messrs. Britton, Duggan, Erath, Fall, Gentry, Guinn, Potter, Sims, Stockdale, Throckmorton, Townes and Whaley—12.

NAYS—Messrs. Blanch, Chambers, Dickinson, Grimes, Hart, Parsons, Paschal, Pitts, Rains and Walker—10.

Mr. Guinn offered a substitute for the substitute just adopted.

Strike out " thirty cents " in 2nd section, " per hundred words."

On motion the Senate adjourned until 7 1-2 o'clock P. M.

7 1-2 O'CLOCK, P. M.

Senate met—roll called—quorum present.

Mr. Gentry moved to take up a bill to create the county of Groce. Carried, bill read 2nd time.

The substitute reported by the committee on Counties and County Boundaries, was adopted.

Mr. Grimes offered a substitute for the 1st section. Adopted.

Mr. Gentry offered the following amendment :

Amend by striking out 2nd section, and insert the following :

Section 2nd, That the county seat of said county of Groce, shall be fixed for the term of five years from its location, at a point or station on the Houston and Texas Central Railroad, thirty-five miles from the city of Houston, and shall be named Hockley.

Amend section 3, by inserting in 1st line, the name of E. R. Hubby, and striking out all after the word "Groce" in the 4th line, to the word "and" in the 8th line.

Section 5, insert "Montgomery" in 4th line, before the word "immediately." Adopted.

Mr. Hart moved to reconsider the vote just taken. Carried.

The question was again taken on the adoption of the amendment and carried.

The engrossment of the bill was then put and carried by the following vote :

YEAS—Messrs. Blanch, Chambers, Gentry, Grimes, Hyde, Lott, Parsons, Paschal, Potter, Rains, Rainey, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton, Walker and Whaley—18.

NAYS—Messrs. Britton, Dickinson, Duggan, Erath, Fall, Guinn, Harman, Hart, Herbert, Pitts, Sims and Townes—12.

The rule was suspended, bill read 3rd time, and the yeas and nays on its passage stood thus :

YEAS—Messrs. Chambers, Gentry, Grimes, Hyde, Lott, Parsons, Paschal, Potter, Rainey, Schleicher, Shepard, Stockdale, Walker and Whaley—14.

NAYS—Messrs. Britton, Dickinson, Duggan, Erath, Fall, Guinn, Harman, Hart, Herbert, Pitts, Rains, Scarborough, Sims, Throckmorton and Townes—15.

A bill to incorporate the Metropolitan Railroad Company. Read 2nd time.

Mr. Hart offered the following amendment :

"And from Austin by way of San Antonio to the Pacific ocean, and that it be compelled to form a connection with the Central Transit."

On motion of Mr. Rainey, the amendment was laid on the table.

Mr. Throckmorton moved to strike out the land bonus.

Mr. Parsons moved to lay the amendment on the table. Carried.

The rule was then suspended, by the following vote :

YEAS—Messrs. Blanch, Chambers, Dickinson, Duggan, Erath, Gentry, Guinn, Herbert, Hyde, Lott, Parsons, Paschal, Pitts, Potter, Rainey, Scarborough, Schleicher, Shepard, Sims, Stockdale, Townes and Walker—22.

NAYS—Messrs. Britton, Grimes, Harman, Hart and Throckmorton—5.

The bill was then passed by the following vote :

YEAS—Messrs. Blanch, Britton, Chambers, Dickinson, Duggan, Erath, Fall, Gentry, Grimes, Guinn, Hyde, Lott, Parsons, Paschal, Pitts, Potter, Rains, Rainey, Scarborough, Schleicher, Stockdale, Townes and Walker—23.

NAYS—Messrs. Harman, Hart, Sims and Throckmorton—4.

A bill for the relief of Leslie Combs, was on motion of Mr. Shepard, taken up. Read 2nd time and passed to a 3rd reading, rule suspended, read 3rd time and passed.

A bill to incorporate the Texas Cotton Seed Oil and Manufacturing Company. Read 2nd time and ordered to be engrossed. Rule suspended, bill read 3rd time and passed by the following vote :

YEAS—Messrs. Britton, Chambers, Dickinson, Duggan, Erath, Gentry, Grimes, Guinn, Harman, Hart, Herbert, Lott, Parsons, Paschal, Pitts, Potter, Rains, Rainey, Scarborough, Shepard, Stockdale, Throckmorton, Townes and Walker—24.

NAYS—none.

A bill donating one league of land, each to Dennis Mead, Richard Mead and — Eastland. Read 3rd time and passed by the following vote :

YEAS—Messrs. Blanch, Erath, Gentry, Herbert, Parsons, Paschal, Pitts, Potter, Rainey, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton, Townes and Whaley—16.

NAYS—Messrs. Dickinson, Grimes, Guinn, Harman, Hart, Lott, Rains, Sims and Walker—9.

Mr. Guinn made a question of order, that it requires a 2-3 vote to pass the bill, the land given being a donation, upon which an appeal was taken, and on motion of Throckmorton, the appeal was laid on the table until to-morrow night.

On motion of Mr. Potter, the House amendments to a bill to incorporate the Franklin College, was concurred in.



A bill for the relief of Wilson Woods. Read 2nd time and passed to a 3rd reading, rule suspended, read 3rd time and passed.

A bill to incorporate the West Fork Bridge Company. Read 2nd time and passed to a 3rd reading, rule suspended, bill read 3rd time and passed by the following vote :

YEAS—Messrs. Blanch, Britton, Duggan, Erath, Fall, Gentry, Grimes, Guinn, Harman, Hart, Hyde, Lott, Pitts, Rains, Rainey, Scarborough, Schleicher, Sims, Stockdale, Throckmorton, Townes, Walker and Whaley—23.

NAYS—none.

The report of the committee of conference on a bill to pay certain persons for arresting John T. Shanks, procuring testimony against him, was adopted.

A bill incorporating the Lexington Male and Female Academy, on report of the committee on Education, offering amendments. Read 2nd time, amendments adopted, and bill passed to a 3rd reading, rule suspended, bill read 3rd time and passed by the following vote :

YEAS—Messrs. Blanch, Duggan, Erath, Fall, Gentry, Grimes, Guinn, Harman, Hart, Lott, Paschal, Pitts, Rains, Rainey, Scarborough, Schleicher, Shepard, Sims, Stockdale, Throckmorton, Townes, Walker and Whaley—23.

NAYS—none.

Mr. Rainey, from the Judiciary committee, reported a substitute for a bill to change the time of holding the courts in the 9th judicial district.

On motion of Mr. Rainey, the report was taken up, substitute adopted and bill ordered to be engrossed. Rule suspended, bill read 3rd time and passed.

A bill for the relief of the heirs of John E. Ross. Read 2nd time and passed to a 3rd reading, rule suspended, bill read 3rd time and passed.

A bill to fix the times of holding courts in the 17th judicial district. Read 2nd time.

Mr. Schleicher offered a substitute, which was adopted, rule suspended, bill read 3rd time and passed.

Mr. Townes moved to reconsider the vote adopting all of the amendments adopted on yesterday, to a bill for the relief of certain persons therein named, and to lay that motion on the table until to-morrow 11 o'clock.

Mr. Hart moved to reconsider a vote taken on yesterday, which passed.

Bill supplementary to an act to authorize the appointment of

commissioners of deeds, &c. &c., and to lay that motion on the table. Carried.

Mr. Potter then moved that the Secretary be instructed to report the bill to the House, on the morrow, as having passed the Senate, upon which a question of order arose, whether the motion to lay the motion to reconsider on the table did not cut off the reconsideration. Whereupon the President decided in the affirmative, from which decision Mr. Guinn appealed, and Mr. Hart moved a call of the Senate, which was sustained.

A bill regulating the time of holding justice's courts in the twelfth judicial district, on the report of the Judiciary committee, recommending amendments.

Mr. Scarborough moved to lay the report on the table. Carried, and bill passed to a third reading, rule suspended, bill read 3rd time and passed.

The amendments of House to a bill to incorporate the Hydraulic Company of San Antonio, were concurred in.

A message was received that the House had passed the following bills:

A bill amendatory of an act to incorporate the town of Waco, in McLennan county, approved August 29th, 1856.

A bill for the relief of the Washington county Railroad Company.

A bill for the relief of the heirs of Caldwell Carson, deceased.

A bill to incorporate the Planter's Damalogian Society, of the county of Gonzales.

A bill ordering the return of certificates in Fisher's and Miller's company.

A bill for the relief of the heirs of Mrs. Ellen M. Gibbs.

A bill to incorporate the Houston Gas Company.

A bill for the relief of John Smith.

A bill for the relief of William P. Tindall.

And that the House had indefinitely postponed a bill amendatory of an act to regulate proceedings in case of forcible entry and detainer, approved 15th March, 1848.

A bill to grant conditional privileges to the company carrying the overland mail from St. Louis and Memphis, through Texas to San Francisco, and the company who have the contract for the overland mail to California from San Antonio to El Paso.

And a bill concerning vendor's lien on real estate.

A bill to incorporate the Alamo Fire Association, on report of the Judiciary committee, recommending amendments. Read 2nd time, amendments adopted, and passed to a 3rd reading,

rule suspended, bill read 3rd time and passed by the following vote :

YEAS—Messrs. Blanch, Britton, Dickinson, Duggan, Erath, Gentry, Guinn, Harman, Hart, Herbert, Parsons, Pascal, Pitts, Potter, Rainey, Scarborough, Schleicher, Shepard, Sims Stockdale, Throckmorton, Townes, Walker and Whaley—24.

NAYS—none.

A bill for the relief of Lucretia Franklin. Read 2nd time and passed to a 3rd reading, rule suspended, read 3rd time and passed.

A bill for the protection of the Alabama Indians. Read 2nd time, amendments of committee on Indian Affairs, were adopted.

Mr. Guinn moved to amend by striking out \$400 and inserting \$200. Lost.

Mr. Guinn then moved the indefinite postponement of the bill. Lost.

The bill was then passed to a 3rd reading, rule suspended, on motion of Mr. Pitts, bill read 3rd time and passed.

A bill to revive and continue in force an act to incorporate the Jefferson Railroad Company. Read and passed to a 3rd reading rule suspended, on motion, bill read 3rd time and passed by the following vote :

YEAS—Messrs. Blanch, Britton, Dickinson, Duggan, Erath, Gentry, Guinn, Hart, Herbert, Hyde, Parsons, Paschal, Pitts, Potter, Rainey, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton, Townes and Whaley—22.

NAYS—Mr. Harman—1.

Mr. Hart moved to take up a bill to repeal the 20th section of an act to incorporate the Memphis, El Paso and Pacific Railroad Company. Lost.

On motion the Senate adjourned until 10 o'clock, A. M., tomorrow.

THURSDAY, February 9th, 1860.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Herbert, chairman of the committee on Roads, Bridges and Ferries, to whom was referred a bill to incorporate the Indian-ola and Goliad Ferry and Bridge Company, reported the bill for the consideration of the Senate.

Mr. Potter, chairman of the committee on the Judiciary, to